

ENTERED

August 26, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ROBERT WAYNE MECKEL,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL ACTION NO. 2:19-CV-362

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court is Respondent's Motion for Summary Judgment (D.E. 13). On June 19, 2020, United States Magistrate Judge Julie K. Hampton issued a Memorandum and Recommendation (M&R, D.E. 33), recommending that Respondent's motion be granted, that Petitioner's § 2254 petition for habeas corpus be denied, and that a certificate of appealability be denied. Petitioner timely filed his objections. D.E. 34.


In large part, Petitioner merely re-argues the summary judgment motion, suggesting that the Magistrate Judge did not understand his point. However, Petitioner does not identify any error of law. And his discussion of the facts presents nothing more than his own uncorroborated version of the events, contrary to his representations to the state court in the underlying proceedings. Under the unchallenged standard of review and legal principles, this is not enough to warrant relief. Petitioner has not made specific objections to the findings and conclusions in the M&R as contemplated by 28 U.S.C. § 636 or Federal Rule of Civil Procedure 72. The Court has reviewed his arguments and the M&R's analysis and finds no error of law or mistake in characterizing and treating

Petitioner's requests for relief. Any objections in the re-argument of the motion for summary judgment are **OVERRULED**.

Petitioner also objects on the basis that, with Covid-19 pandemic restrictions, he did not have sufficient access to a law library to prepare his objections. However, he does not state what issues he would have liked to research or was otherwise unable to pursue. He asks that, at minimum, the Court grant him a certificate of appealability to compensate for this issue. However, the analysis required for granting a certificate of appealability, as performed by the Magistrate Judge and confirmed by the Court, does not warrant relief. Therefore, any objections based on Covid-19 pandemic restrictions are **OVERRULED**.

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's M&R, as well as Petitioner's objections, and all other relevant documents in the record, and having made a de novo disposition of the portions of the Magistrate Judge's Memorandum and Recommendation to which objections were specifically directed, the Court **OVERRULES** Petitioner's objections and **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, Respondent's Motion for Summary Judgment (D.E. 13) is **GRANTED** and the § 2254 action is **DENIED**. A certificate of appealability is **DENIED**.

ORDERED this 26th day of August, 2020.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE